

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

VAUGHN SCOTT, NIGERIA SCOTT, PRINCE SCOTT,
ANDREE HARRIS, BRENDA SCOTT, KRAIG UTLEY,
COREY MARROW, A.S. A MINOR CHILD,
K.M. A MINOR CHILD, AND JULIAN RENE,

Plaintiffs,

-against-

INDEX NO.
14 CV 04441 (K.M.K)

**DECLARATION OF
WELTON K. WISHAM**

CITY OF MOUNT VERNON, A MUNICIPAL ENTITY,
MT. VERNON POLICE OFFICER ALLEN,
MT. VERNON POLICE OFFICER CAMILO ANTONINI,
MT. VERNON POLICE OFFICER TIMOTHY BRILEY,
MT VERNON POLICE OFFICER DET. BRENT GAMBLE,
MT. VERNON POLICE OFFICER SGT. STEVEN SEXTON,
CITY OF MT. VERNON POLICE DEPARTMENT, AND
POLICE OFFICERS JOHN DOES 1-10.

Defendants,

X

WELTON K. WISHAM declares pursuant to 28 U.S.C. Section 1746 Under penalty of perjury that the following is true and correct:

1. That I am the attorney of record as outside counsel for the City of Mount Vernon, New York,
2. That I represent the Defendants City of Mount Vernon MT. Vernon Police Officer Allen, MT. Vernon Police Officer Camilo Antonini, MT. Vernon Police Officer Timothy Briley, MT Vernon Police Officer Det. Brent Gamble, MT. Vernon Police Officer SGT. Steven Sexton, Mount Vernon Police Department, and Police Officers John Does 1-10. As such I am familiar with the facts set forth below.
3. This declaration is submitted in support of the defendant's motion pursuant to F.R.C.P. 56 to dismiss Plaintiff's complaint.
4. Annexed hereto as **Exhibit" A"**, is a copy of Plaintiff's Complaint Filed June 19, 2014.

5. Annexed hereto as **Exhibit “B”**, is a copy of Defendant City of Mount Vernon Police Department’s “Live Aegis Public Safety System Incident Report, March 23, 2013, 911 calls, and dispatcher’s communications. Bates No. 0000128-0000131.

6. Annex hereto as **Exhibit “C”** is a copy of Mount Vernon Police Department Evidence form, and “Consent to Search” form signed by Nigeria Scott, March 20, 2013.

7. Annexed hereto as **Exhibit “D”**, are 4 copies of photographs of the white van bearing license plate number NY GEN 5700, owned by Plaintiff Nigeria Scott. Also attached is Mount Vernon Police Department Evidence voucher regarding the vehicle per Incident # 13-9571, vouchered March 20, 2013.

8. Annexed hereto as **Exhibit “E”**, are 3 photographs of Plaintiff Julien Renee’s buttocks, which were grazed by a bullet on March 20, 2013, logged as evidence by the Mt. Vernon Police Department.

9. Annexed hereto as **Exhibit “F”**, are relevant excerpts from the 50- h deposition transcript of Corey Marrow held on October 22, 2013.

10. Annexed hereto as **Exhibit” G”**, is three page copy of the Detective C. Hutchins’, 3 page incident report, City of Mount Vernon Police Department Detective Division, dated March 20, 2013. Bates No. 00000143-00000145.

11. Annexed hereto as **Exhibit” H”**, is a copy of Police officer Chery’s New York State Incident Report dated March 20, 2013 bearing bates number 0000086.

12. Annexed hereto as **Exhibit” I”**, is a 3 page copy of New York State Supplemental Report prepared by police officer Gregorio on March 20, 2013, regarding his investigation of “ Shots Fired”. Bates numbers 000008- 000009.(bates numbers 0000135-0000136 duplicate).

13. Annexed hereto as **Exhibit "J"**, is a copy of New York State Supplemental Report prepared by police officer Gason which bears bates number 0000084, dated March 20, 2013.
14. Annexed hereto as **Exhibit "K"**, is 3 page report of the Mount Vernon Police Department Aegis Public Safety System, Adult Profile Sheet of Plaintiff Julien Rene, bearing bates numbers 0000149- 0000151.
15. Annexed hereto as **Exhibit "L"**, is a 9 page criminal report of the Mount Vernon Police Department "Aegis Public Safety System Adult Profile Sheet of Plaintiff Prince Scott" bearing bates numbers 0000173-0000190.
16. Annexed hereto as **Exhibit "M"**, is a 9 page criminal report from the Mount Vernon Police Department Aegis Public Safety System, Adult Profile Sheet of Plaintiff Corey Marrow bearing bates numbers 0000158-0000164.
17. Annexed hereto as **Exhibit "N"**, is a copy of Plaintiff's Notice of Claim filed with the Department of Law, City of Mount Vernon on June 5, 2013.
18. Annexed hereto as **Exhibit "O"**, is a 9 page copy of the Mount Vernon Police Department Aegis Public Safety System Adult Profile Sheet of Plaintiff Kraig Utley bearing bates numbers 0000200- 0000207.
19. Annexed hereto as **Exhibit "P"**, is a copy of the "Evidence Form of Police Department City of Mount Vernon Property Clerk's invoice of 3, 9mm shell casings recovered at 2155 9th Ave, Mount Vernon, New York on March 20, 2013..
20. Annexed hereto as **Exhibit " Q"**, is a copy of the Superseding Misdemeanor Information relating to " The People of the State of New York against Prince Scott and Corey Marrow: Docket numbers, 13-1171 & 13-1172.

21. Annexed hereto as **Exhibit “ R “**, are 3 copies of the Certificates of Disposition State of New York, Mount Vernon City Court- Criminal Division pertaining to Prince Scott, and Corey Marrow, relating to the charge of Obstruction of Governmental Administration.

22. Annexed hereto as **Exhibit No.” 1”**, are relevant excerpts from the deposition transcript of Sargent Steven Sexton.

23. Annexed hereto as **Exhibit No.” 2”**, are relevant excerpts from the deposition of Officer Allison Allen.

24. Annexed hereto as **Exhibit No “3”**, are relevant excerpts from the deposition transcript of Officer Camilo Antonini.

25. Annexed hereto as **Exhibit No.” 4”**, are relevant excerpts of the deposition transcript of Officer John Gamble.

26. Annexed hereto as **Exhibit No” 5”**, are relevant excerpts of deposition transcript of Timothy Briley.

27. Annexed hereto as **Exhibit No” 6”**, are relevant excerpts of deposition transcript of Julien Rene.

28. Annexed hereto as **Exhibit No. “7”**, are relevant excerpts of deposition transcript of Kevin Marrow.

29. Annexed hereto as **Exhibit No.” 8“**, are relevant excerpts from the deposition transcript of Arabia Scott.

30. Annexed hereto as **Exhibit No.” 9 “**, are relevant excerpts from the deposition of Nigeria Scott.

31. Annexed hereto as **Exhibit No. "10"**, are relevant excerpts from the deposition transcript of Prince Scott.

32. Annexed hereto as **Exhibit No." 11"**, are relevant excerpts from the deposition of Vaughn Scott.

33. Annexed hereto as **Exhibit No." 12"**, are relevant excerpts from the deposition of Andre Harris.

34. Annexed hereto as **Exhibit No "13."**, are relevant excerpts from the deposition of Brenda Scott.

35. Annexed hereto as **Exhibit No. "14."**, are relevant excerpts from the deposition of Corey Marrow.

36. Annexed hereto as **Exhibit No." 15."**, are relevant excerpts from the deposition of Kraig Utley.

Dated: New York, New York
April 6, 2016

By /s/_____
 Welton K. Wisham, Esq.
 43 West 43rd Street, Suite 95
 New York, New York 10036-7424
 212-709-8183
 Attorney for the Defendants

Mr. David Allen Thompson, Esq.
Stecklow Cohen & Thompson
217 Centre Street, 6th Floor
New York, New York 10013
(212) 566-8000
Attorney for the Plaintiffs
(By ECF)